

UNAPPROVED DRAFT MINUTES

New Hampshire Opioid Abatement Advisory Commission Regular Meeting DHHS Brown Building Auditorium, 129 Pleasant St, Concord, NH Monday, January 10, 2022 at 1:00 p.m.

Attending:

Attorney James **Boffetti** (Designee for the Attorney General)
Kerrin **Rounds** (Department of Health and Human Services)
Representative Dennis **Acton** (House)
Senator Cindy **Rosenwald** (Senate)
Senator Becky **Whitley** (Senate)
Attorney Thomas **Velardi** (County Attorney appointed by Governor)
Jason **Henry** (County Corrections Superintendent appointed by Governor)
Toni **Pappas** (County of +100k appointed by Governor)
Patrick **Tufts** (Chair of Governor's Commission on Drug and Alcohol Treatment, Prevention and Recovery)
David **Mara** (Governor's Designee)
Paula **Mattis** (Director of Medical & Forensics, Department of Corrections)
James **O'Shaughnessey** (Citizen and attorney for schools)

Present via Zoom Platform:

Seddon **Savage**, MD, (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Emily **Rice** (Appointed by Governor's Commission on Alcohol and Drug Prevention, Treatment and Recovery)
Robert **Buxton** (Municipal Fire Chief appointed by Governor)
Rachel **Miller** (State Treasurer's Designee)

Absent:

Peter **Spanos** (County of <100k appointed by Governor)
Bianca **Monroe** (Appointed by the Attorney General)
Michael **Carignan** (Municipal Police Chief appointed by Governor)
Helen **Hanks** (Commissioner, Department of Corrections)
Maura **Weston** (Lobbyist)
Bobbie **Bagley** (City with 75k+ appointed by Governor).

Senator Rosenwald (Chair) opened the meeting at 1:00 p.m. with a roll call of Commission members. It was determined that only nine members were present, therefore a quorum was not established and the meeting was to be considered unofficial and limited to discussion.

The first item for discussion was adoption of the minutes of the October 7, 2021 meeting. Due to there being no quorum, a vote to approve the minutes will take place at the next scheduled meeting.

The second item was an update from Associate Attorney General James Boffetti on litigation efforts relative to settlements and distribution of funds and informed that motions for summary judgment were decided last week with a positive result and added that the case is set for trial in Merrimack Superior Court in February.

Attorney Boffetti updated the members present on all the major cases and the pending the \$21 billion dollar national settlement with the 3 major distributors; McKesson, Cardinal Health and AmerisourceBergen. Attorney Boffetti explained that there is a sign on period for New Hampshire subdivisions (counties/cities/towns) that have been identified by the defendants who have either filed law suits against these companies, or also referred to as primary or non-litigating subdivisions. Many of which have agreed to join us in the settlement that has been extended through the end of January. The expectation is to receive the maximum amount of dollars coming to the state through the settlement, although the amount has not been determined and the payments will be paid over many years.

Attorney Boffetti briefed the commission on additional bankruptcy proceedings ongoing with parties related to the opioid crisis.

Purdue Pharma, the case that is specific to OxyContin, was recently vacated in a United States District Court in New York. The court vacated the bankruptcy court's confirmation of a bankruptcy plan and explained that from our perspective, the vacated order is a positive outcome as the Sackler family, the owners of the distributor were not paying a sufficient amount of money to resolve cases and to get released from their civil liability. The case is still pending and there will either be a new plan that people can rally around or it will be appealed in Second Circuit Court of Appeals and the United States Supreme Court.

Mallinckrodt is another bankruptcy which is a less controversial case working its way through the court system which would result in additional settlement money coming to New Hampshire.

Attorney Boffetti noted that each settlement has a different time period and expectation for opioid payment distribution over the term of 18 years. Some cases are of lesser terms and the money will come in at various times. There is no coordinated payment plan and there will be a flow of money to the state over the course of many years.

Rep. Acton highly recommended the drama series "Dopesick" which is available on HULU and highlights the entire process of Purdue Pharma and reflects on a small town in West Virginia that was greatly impacted by the opioid crisis in the 1990s.

The third item for discussion was a legislative update. Senator Rosenwald informed the group that there is a hearing on the bill filed on behalf of the commission. The language changes the census and one of the appointments to nursing homes, and clarifies the scope of the eligibility to include evidence based prevention.

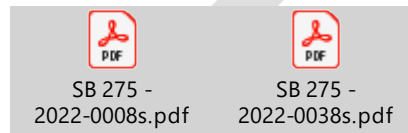
The hearing is scheduled at 1:00pm on Tuesday, January 11, 2022 in Senate Finance for anyone who would like to testify. Attorney James Boffetti indicated he would be present at the hearing.

Attachment:



Senator Rosenwald welcomed Senator Becky Whitley, present at the meeting, to discuss the language in the amendment she intends to bring forward to the public hearing on Tuesday. Senator Rosenwald indicated that although the commission would not be able to take an official position on the amendment, that if the commission's reaction was positive, it can be considered that the language was discussed at the commission meeting, although not officially recommended.

Attachments:



Senator Whitley introduced the amendment which was brought to her attention by school districts in an effort to consider how local school districts can be supported through the trust. In New Hampshire schools, the lives of children have been greatly impacted by the opioid crisis and school districts across the state are dealing with this issue. Primarily, the focus in schools is on academic achievement. However, there are children attending schools with significant behavioral health issues and needs because of the opioid crisis. Currently, school districts are working with a multi-tiered system of support which is primarily led by the Department of Education (DOE) under RSA 135: F, the statute that supports children's behavioral health. There is already a model that districts can build upon which has been strongly implemented with fidelity in nine school districts with great results and feedback. This amendment is an opportunity to expand that work supported by the DOE and will require considerable investment of resources but is completely community driven in local school districts. Senator Whitley added that the friendly amendment to Senator Rosenwald's bill adds a consideration to the commission to take a look at supports for public school programs and services for students with opioid use disorder (OUD) and another co-occurring substance use disorders (SUD) and mental health issues. Additionally, the language adds a support to the school districts that are managing these issues.

Attorney James O'Shaunessey, from Drummond Woodsum Law Firm in Manchester who also represents school districts in the state was present and spoke to the subject matter on the amendment as an interested party relative to the increasingly more apparent impact on schools with relation to opioids.

Attorney O'Shaughnessy explained that if money were to come into the state through the abatement trust to address the impacts on schools, that with the current way the language was drafted there was no way for schools to access the money in the trusts as schools were not a part of the original class of plaintiffs.

The amendment will allow for school districts who develop a plan to have an opportunity to apply for funding to support schools/students and specific programs and to bring requests forward to the commission for approval.

Several concerns were discussed relative to the amendment's language were brought forward for discussion among the group:

Jason Henry brought up the concern that the association of counties may disagree with the ability for another pool to access the funds when it was at first designated for other areas.

In response, Attorney Boffetti expressed his support and informed that the existing legislation has 14 approved uses for the opioid abatement funds. Those which were not designed to address the litigating subdivisions were designed to address the opioid abatement issue. Discussions with Attorney O'Shaughnessy concerning the uses of the abatement funds focused on the need to be responsive to what the needs are in the school districts for students and their families who were directly affected by opioid use. All requests for funding need to be proposed and brought forward to the commission for consideration. The money is not limited to counties but is also to be made available for the state's need to abate the opioid crisis by allocating money to support specific programs in school districts that are deemed an appropriate use of this funding.

A member brought forward concerns surrounding the language related to supporting school programs that would clearly identify only with opioid abuse and would not be specifically outlined to include overall programming or co-occurring disorders.

Representative Acton brought forward concerns that the amendment could become problematic and cause risks to the bill that could result in bringing it down in the House. Further, the amendment should possibly be considered as a standalone piece of legislation.

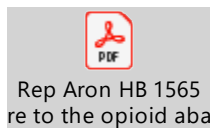
Dr. Seddon Savage offered her support with a point of view reflecting on the work by the Opioid Task Force and noted the relationship between the Governor's Commission on Alcohol & Other Drugs which has brought people together to address issues relative to opioid use. Dr. Savage expressed that she predicts a high level of support from the Prevention Task Force and that work in schools is of the highest priority in order to mitigate current opioid harm and to prevent future harm.

There was some discussion among the group relative to the language specific to section 15 and 16 and a concern with redundancy. Members present reviewed both sections to be inclusive of the program supports offered in the school districts.

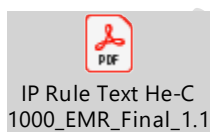
The proposal was to keep both section 15 and 16 in the language and to eliminate lines 10 through 12.

Assistant Attorney General Boffetti updated the group on Representative Aron's proposed bill scheduled for a hearing on January 11, 2022. The bill essentially changes the formula to the amount of funds that get distributed to the 23 litigating subdivisions.

Attorney Boffetti explained that the bill is problematic and not justified and informed that he would be present at the hearing to testify against the bill on behalf of the commission.

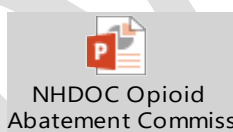


The fourth item was an update on rulemaking. CFO Kerrin Rounds reported that the expectation is that the Joint Legislative Committee on Administrative Rules (JLCAR) will schedule in April with an anticipated hearing date in March. Additionally, the final draft rules have been presented to the commissioner for review and any edits/changes.



The fifth item was a presentation by Paula Mattis, Director of Medical & Forensics, representing the New Hampshire Department of Corrections (NHDOC). The focus of the PowerPoint demonstrated the comprehensive continuum of care and services for residents with substance use disorders (SUD). The slide show presentation “Opioid Use Disorders” outlined the managed care process for individuals whose needs are determined and managed through various clinical staff approaches for treatment and programs through an individualized treatment approach.

PowerPoint Presentation: “Opioid Use Disorder”



Director Mattis provided an overview of the substance use disorder treatment services from initial intake through incarceration and release by highlighting the following key areas of interest to the commission.

Medication Assisted Treatment (MAT) program is the use of FDA approved medications paired with counseling and a behavioral therapy approach to substance use disorder treatment. Participants in the MAT program are treated with oral Naltrexone and/or oral Buprenorphine combined with counseling and behavioral therapy for an individual patient-centered approach to treatment.

Another model being explored by the department for the treatment of substance use disorders referred to as **Medication for Opioid Use Disorder (MOUD)** is a different approach where medication is the primary treatment.

The FOCUS Program offers a range of services in a residential setting for treatment in a therapeutic environment under the direction of licensed alcohol and drug counselors (LADCs) located in two of the NHDOC facilities:

- The Northern Correctional Facility in Berlin hosts the program for men and has a 90-bed capacity.
- The New Hampshire Correctional Facility for Women in Concord allows for 40 women to participate in the program.

Additionally, MAT participants are offered services and programs using technology and evidence-based programming in an independent self-driven route through courses made available on tablets. Narcotics Anonymous and Alcoholics Anonymous programs are also offered to residents through volunteer support services.

Through transitional services the department offers a continuum of care from beginning to end for participants. A case manager is assigned to each individual and works with participants to set up services and medical needs and provides seamless continuity of care. This includes planning for reintegration to the community and a variety of transitional services.

Additionally, reentry coordinators are available through the State Opioid Response Reentry Grant (SORR). Currently, the department has two coordinators who work with individuals 12 months post release.

Residents who have a history of opioid use disorder in the system are offered Narcan upon release.

Representative Acton raised the question surrounding Medicaid billing for residents. In response, Director Mattis explained that NHDOC is self-insured and the funding for healthcare services is through general funds. Director Mattis also further detailed that if a resident goes to a hospital and is admitted for an inpatient stay, the cost can then be referred to Medicaid for payment.

Several questions were asked surrounding the medications offered to MAT participants in NHDOC facilities. Director Mattis informed the commission that the primary medications currently used are oral Buprenorphine and oral Naltrexone. Due to the high costs associated with Vivitrol (the injectable form of Naltrexone), Sublocade (the injectable form of Buprenorphine) and Suboxone, those medications are not used for treatment in NHDOC facilities. Methadone is also a treatment option that is primarily used for pregnant women.

A question was asked wondering whether individuals released from custody receive continued treatment upon release. Director Mattis explained that if the individual has served the entire sentence, the department has no influence on the person at the time of release, although services are offered. Individuals who are released on parole that have a parole plan which includes continued treatment are overseen by a parole officer and conditions are met through monitoring.

The final order of business was a discussion of proposed agenda items for the next commission meeting. A date was set and the meeting was scheduled on March 7, 2022 from 1:00 to 3:00 p.m. in the Brown Building Auditorium.

Proposed agenda items include

- Johnson & Johnson settlement update
- BDAS presentation
- Drug Court presentation
- Legislative update.

At the call of the Chair, the meeting adjourned at 3:00pm.

Prepared and submitted by Leslie Bartlett on January 24, 2022

DRAFT